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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,993	04/12/2001	Rana Dutta	770P009597-US(PAR)	1870
2512	7590	09/26/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			GORT, ELAINE L	
			ART UNIT	PAPER NUMBER
			3627	
DATE MAILED: 09/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,993

Applicant(s)

DUTTA ET AL.

Examiner

Elaine Gort

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15,16,18-22 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15,16,18-22 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15, 16, 18-22 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear in claim 15 line 23 how the claimed second communication link is "independent" of the first communication link claimed on line 16 as they both have a path that travels between the Internet access server and the financial server.

It is unclear in claim 15 line 27 claiming customer subscriber identifier without personal financial information. This is unclear as the subscriber identifier is personal financial information of the customers.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15, 16 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Credits and Debits on the Internet (CD).

Credits and Debits (CD) on the Internet discloses a computer based system for conducting online purchase transactions between a merchant and a customer of the merchant, the merchant and the customer being independent subscribers of a financial service (CD discloses on page 25 an online purchase/payment system called First Virtual which merchants and customers subscribe to for financial services), comprising:

- an Internet access server (such as the participating merchant's server);
- a financial server (First Virtual server which processes transactions using the customers account number, an amount of the transaction ("purchase transaction information") and the merchant's identifier in order to know where to transfer the funds to. Customer and merchant inherently have separate accounts with First virtual and therefore would have a different ID);

- a merchant host computer connected to the financial server via the internet server via a first independent communication link (Such as a merchant's computer system which users access via the merchant's server to obtain purchase information, such as a price, used in transactions. Merchant's inherently have computers attached to their servers to carry out the storage of sales data, calculate taxes due and to process purchase transactions. Merchants connect to the First Virtual server via the merchant's server.);

- a customer computer terminal connected to the financial server via a second communication link independent of the first communication link (As it is unclear if the

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Applicant is claiming a link via the internet access server, or not, as linking thru the internet access server would not be "independent" of the first communication link which comprises this link, the CD reference discloses the customer computer terminal linked to the financial server via an independent link when the First Virtual server sends or receives from the customer computer an approval message asking if they are willing to pay or not), the customer computer terminal connected through the Internet access server to the merchant computer (Such as when customers obtain purchase information from the merchant's computers via the merchant's server to get product information, prices, and other information related to a purchase. Merchant's inherently have computers attached to their servers to carry out the storage of sales data, calculate taxes due and to process purchase transactions.), the customer computer terminal having processing means to generate the purchase transaction information including the customer subscriber identifier without personal financial information at the merchant host computer (customer's computer processes the subscriber account ID and price);

the merchant computer processing a purchase transaction by transmitting purchasing information as generated by the customer via the first communication link through the Internet access server between the merchant computer and the financial server (The merchant connects to the First Virtual server to verify the ID which inherently includes an amount as the customer later is asked if they are willing to pay or not.);

the financial server processes the purchase transaction information in correlation with the customer's account information and the merchant's account information (First

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Virtual processes the purchase transaction information in correlation to the customer's account information, such as the customer's credit card, and the merchant's account information in order to know where to transfer the funds);

the customer computer terminal completes the purchase transaction by transmitting, independent of the merchant, an acceptance of the purchase transaction information via the second communication link (Customer's computer completes the transaction by transmitting a reply indicating "yes" to the First Virtual server which is via a second communication link that is independent of the merchant);

(Regarding claim 16) processing means in the financial server for causing the server to transfer a value between the customer account and the merchant account, where the value is a function of a purchase amount for an item purchased (First Virtual completes the payment from the customer's credit card to the merchant); and

(Regarding claim 27) where the acceptance is transmitted in response to a notification from the financial server relating to the purchase transaction (Customer's computer completes the transaction by transmitting a reply indicating "yes" in response to the First Virtual server request).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Credits and Debits on the Internet (CD) in view of Microsoft Computer Dictionary.

Credits and Debits discloses the claimed system but is silent regarding the use of digital signatures and digital certificates. Microsoft Computer Dictionary discloses, on pages 138 and 139, that it is known in the art to provide a digital certificate and a digital signature to ensure the legitimate online transfer of confidential information by means of public encryption technology and that digital signatures are used to encrypt messages before transmission and to decrypt them on receipt. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the communication between customer and merchant's computers and the central processing station of Credits and Debits with the digital certificate and digital signatures of Microsoft Computer Dictionary, in order to ensure legitimate transfer of confidential information thru encryption technology.

Response to Arguments

6. Applicant's arguments with respect to claims 15, 16, 18-22 and 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Tuesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571/272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'EGJ', with a long horizontal stroke extending to the right.

Elaine Gort
Examiner
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September 19, 2005